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 USA, Inc., and HiSilicon Technologies Co. Ltd.*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

HUAWEI TECHNOLOGIES CO., LTD.,  
 HUAWEI DEVICE USA, INC., and  
 HUAWEI TECHNOLOGIES USA, INC.,

Plaintiffs / Counterclaim-Defendants,  
 v.

SAMSUNG ELECTRONICS CO., LTD.,  
 SAMSUNG ELECTRONICS AMERICA,  
 INC.,

Defendants / Counterclaim-Plaintiffs,

and

SAMSUNG RESEARCH AMERICA,

Defendant,  
 v.

HISILICON TECHNOLOGIES CO., LTD.,  
 Counterclaim-Defendant.

Case No. 16-cv-02787-WHO

**DECLARATION OF NATHAN A.  
 GREENBLATT IN SUPPORT OF  
 SAMSUNG'S ADMINISTRATIVE  
 MOTIONS TO FILE UNDER SEAL  
 REPLY BRIEFS (DKT. NOS. 375, 378)**

1 I, Nathan A. Greenblatt, declare as follows:

2 1. I am a citizen of the United States over 18 years of age. I submit this declaration  
3 pursuant to Civil Local Rule 79-5, on behalf of Plaintiffs and Counterclaim-Defendants Huawei  
4 Technologies Co., Ltd., Huawei Device USA, Inc., and Huawei Technologies USA, Inc., and  
5 Counterclaim-Defendant HiSilicon Technologies Co., Ltd. (collectively, "Huawei"). I have personal  
6 knowledge of the facts set forth in this declaration, and, if called upon as a witness, I could and  
7 would testify to such facts under oath.

8 2. I am employed by Sidley Austin LLP, counsel for Huawei in the above-captioned  
9 matter. I have worked with Huawei's in-house counsel in this matter, and in past matters, on issues  
10 related to sealing and confidentiality, during which time I have gained an understanding of the  
11 information set forth in this declaration. I have also reviewed previous declarations submitted by  
12 Huawei's in-house counsel pertaining to the subject matter of this declaration.

13 3. I submit this declaration in support of:

14 **(a)** Samsung's Administrative Motion to File Under Seal Portions of [its] Reply in Support of  
15 Samsung's Motion to Strike (Dkt. 375-0); and

16 **(b)** Samsung's Administrative Motion to File Under Seal Portions of Samsung's Reply in  
17 Support of Its Motion to Exclude the Report and Testimony of Jorge Padilla, Michael J.  
18 Lasinski, and Charles L. Jackson and to Strike the Rebuttal Opinions of Jacques DeLisle  
19 and Zhi Ding (Dkt. 378-0).

20 4. Based on my review, the following is a list of the portions of the documents for which  
21 Huawei requests sealing. In the table, I indicate what category or categories the Huawei confidential  
22 information falls under. I explain the basis for sealing each category of Huawei confidential  
23 information further below.

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality	Basis for Sealing
<b><i>Sealing Requests for Dkt. 375-0</i></b>			
Reply brief (Dkt. 375-4)	Yellow-highlighted portions as follows: <ul style="list-style-type: none"> <li>page 8, lines 6-7, 10-11, and 14-18</li> <li>page 9, lines 5-7</li> </ul>	Huawei	Product
<b><i>Sealing Requests for Dkt. 378-0</i></b>			
Reply brief (Dkt. 378-4)	Yellow-highlighted portions as follows: <ul style="list-style-type: none"> <li>page 1, all highlights</li> <li>page 2, none</li> <li>page 3, all highlights</li> <li>page 4, all highlights</li> <li>page 5, lines 10-14, 16, and 19</li> <li>page 6, lines 27-28</li> <li>page 7-13, none</li> </ul>	Huawei	Licensing
Exhibit 3 (Dkt. 378-10)	Entire document	Huawei, Samsung	Licensing
Exhibit 4 (Dkt. 378-12)	None	n/a	n/a
Exhibit 5 (Dkt. 378-14)	None	n/a	n/a
Exhibit 6 (Dkt. 378-16)	None	n/a	n/a
Exhibit 7 (Dkt. 378-18)	Pages 187-88, 197, 201, 214-15	Huawei	Licensing

5. **Licensing Information.** Based on my review, the portions of the documents identified above as pertaining to “licensing” reveal confidential information about Huawei’s license agreements with third parties, such as the agreement terms and royalty rates.<sup>1</sup> Huawei considers the foregoing licensing information highly confidential and does not disclose it to the public. Disclosure of this information to the public would harm Huawei’s competitive standing by giving competitors insight into Huawei’s past licensing positions and practices, which could be used to Huawei’s disadvantage. For example, competitors and/or potential licensing partners could gain unfair insight and leverage in licensing discussions that Huawei would lack, thereby creating an asymmetry of information and bargaining power that would otherwise not exist but for the disclosure of the above confidential information. This would create a serious risk of competitive injury to Huawei. Further,

<sup>1</sup> I note that Exhibit 3 also contains similar information pertaining to Samsung’s license agreements with third parties.

